

## Message Text

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42

ACTION SCSE-00

INFO OCT-01 AF-06 ISO-00 L-03 SSO-00 SCA-01 /011 W

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O 181331Z FEB 76

FM AMEMBASSY ADDIS ABABA

TO SECSTATE WASHDC IMMEDIATE 8191

UNCLAS ADDIS ABABA 1986

E.O. 11652/ N/A

TAGS: CASC, CDES, (ANTLES, PETER AND HAMMATT, WILLIAM)

SUBJECT: DISPOSITION OF PACKAGE

REF: ADDIS ABABA 1021

1. EMBASSY HAS JUST RECEIVED AFFIDAVIT FROM WIVES OF MEN THROUGH ATTORNEY DORFMAN, REGARDING RELEASE OF PACKAGE. WE ASSUME DEPARTMENT REVIEWED EMBASSY LEGAL ADVISOR'S OPINION AND EXERPTS FROM ETHIOPIAN CIVIL CODE (DOCUMENTS WHICH WERE GIVEN TO AF/E ALT. DIRECTOR BARRETT DURING VISIT HERE) AND ADVISED DORFMAN THAT AFFIDAVIT

WOULD MEET ALL LEGAL REQUIREMENTS FOR RELEASE OF PACKAGE. IF THIS IS THE CASE, PGEASE ADVISE ASAP. DOCUMENT DOES NOT STATE THAT AFFIANTS GUARANTEE RESTITUTION OF CONTENTS OF PACKAGE SHOULD MEN REAPPEAR. EMBASSY LEGAL ADVISOR HAS SUGGESTED THAT SEPARATE AFFIDAVIT BE PREPARED CONTAINING THIS TATEMENT TO INSURE COMPLIANCE WITH ARTICLES 165 AND 168 OF ETHIOPIAN CIVIL CODE AND WE SHALL WRITE DORFMAN TO THIS EFFECT.

2. IF DEPT HAS NOT YET DISCUSSED THIS WITH DORFMAN, WE WOULD APPRECIATE RESPONSE TO OUR REQUEST FOR OPINION REGARDING TIMING FOR RELEASE OF EFFECTS AND DOCUMENTATION REQUIRED (REFTEL, PARA 3) IN ORDER RESPOND TO DORFMAN. TIMING IS CRUCIAL POINT WHICH UNCLEAR IN LAW. ARTICLE 165 STATES QUOTE PERSONS WHO HAVE RIGHTS DEPENDENT ON THE DEATH OF THE ABSENTEE MAY ENFORCE THEM AFTER THE JUDGMENT DECLARING THE ABSENCE HAS BECOME FINAL AS THOUGH THE ABSENTEE WERE DEAD UNQUOTE. HOWEVER, ART 167 REFERS TO DISPERSING PROPERTY TO HEIRS WITH NO REFERENCE TO NECESSITY OF FINAL JUDGMENT DECLARING ABSENCE.

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3. EMBASSY, PROBABLY MORE THAN ANYONE ELSE, WOULD LIKE TO SEE  
PACKAGE RELEASED TO NOK BUT IN VIEW OF CONSULAR OFFICERS SERIOUS  
LEGAL OBLIGATIONS IN SUCH A MATTER, WE BELIEVE THE ABOVE POINT  
MUST BE CLARIFIED, ONE WAY OR THE OTHER, BEFORE WE CAN ACT ON  
REQUEST.  
HUMMEL

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NNN

## Message Attributes

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**Channel Indicators:** n/a  
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